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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re A.C., a Person Coming Under the Juvenile Court Law.	
SAN MATEO HUMAN SERVICES AGENCY, Plaintiff and Respondent, v. T.C., Defendant and Appellant.	A154176 (San Mateo County Super. Ct. No. 17JD0799)

This is an appeal from the jurisdictional and dispositional findings and orders issued by the juvenile court on April 23, 2018, in a juvenile dependency matter involving A.C., born in 2004. Appellant, A.C.'s father (hereinafter, father), challenges the court's findings and orders on several grounds, including, according to father, the lack of substantial evidence supporting the findings that A.C. comes under the provisions of Welfare and Institutions Code section 300, subdivisions (b) and (c),[1] and the improper delegation of judicial authority to A.C. to decide whether she would participate in supervised visitation with him. Father also makes the much broader argument that these

[1] Unless otherwise stated, all statutory citations herein are to the Welfare and Institutions Code.

proceedings represent a misuse of the dependency system to litigate what, he says, is a private child custody matter between antagonistic former spouses. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On April 23, 2018, respondent San Mateo County Human Services Agency (agency) filed the operative third amended petition pursuant to section 300, alleging that A.C. came under subdivisions (b)(1), (c) and (d) of the statute (petition). Specifically, the petition alleged that, pursuant to section 300, subdivision (b)(1), A.C. faces a substantial risk of suffering serious physical harm as evidenced by the following facts: (1) father inappropriately touched or attempted to touch A.C.'s breasts over her clothing on three occasions between October 2016 and July 2017; (2) father stared at A.C. while she was changing over her protestations; (3) father made inappropriate sexualized comments regarding A.C.'s legs and breasts; (4) father threw A.C. to the ground and then grabbed and lifted her by her face; and (5) father threatened to " 'slap her butt until it turns red.' " In addition, the petition alleged that, pursuant to section 300, subdivision (c), A.C. is suffering or has suffered serious emotional damage (including fear and anxiety) as a result of father's repeated acts of sexual abuse and his aggressive and emotionally abusive behavior during the divorced parents' 11-year history of custody and visitation conflict in family court.

The petition arose from a referral received by the agency on August 1, 2017, when A.C. was nearly 13, raising allegations of sexual abuse against father and general neglect against mother. A report filed by the agency shortly after the initial section 300 petition was filed on September 5, 2017, contained the following information regarding A.C. and these allegations. Her parents met and, in 2002, married in France when mother, a native of Mexico, was studying there for an advanced degree. In 2004, while pregnant with A.C., mother returned to Mexico to visit a dying relative and, after it was deemed unsafe for mother to travel by air due to her late-stage pregnancy, gave birth to A.C. in San Diego while father was still in France. In 2005, the family reunited in the Bay Area after father transferred to the United States through his employer.

In 2006, when A.C. was about one year old, Santa Clara County received referrals related to an incident in which father allegedly grabbed mother by the throat and tried to choke her while one-year-old A.C. was in her arms. This referral was closed as inconclusive; however, father was arrested on a domestic violence charge and thereafter accepted a plea to a misdemeanor offense, disturbing the peace. Parents subsequently separated and, in 2008, divorced.

Then, a few years later on June 3, 2010, the agency received a referral alleging father had threatened to kill A.C. Father claimed it was " 'a joke,' " although the report indicated he had made similar threats before to mother. The referral was investigated and closed as inconclusive as to emotional abuse.

Yet another referral was received on December 15, 2011, this time alleging father had physically and emotionally abused A.C. Then age seven, A.C. reported father had slapped her and that mother had encouraged her to report the incident to family court, causing her stepmother to not like her. A.C. thereafter denied any mistreatment by or fear of father, and the referral was closed as unfounded.

Returning to the latest allegations against father, a detention hearing for A.C. was held September 6, 2017. The agency recommended that A.C. be detained, with no visitation between her and father given the temporary restraining order granted to mother on behalf of A.C. on August 3, 2017. At the hearing's conclusion, the juvenile court granted a temporary restraining order protecting A.C. from father, with the exception of supervised visitation arranged by the agency, and ordered A.C. to remain in the custody of mother.

In anticipation of the jurisdiction/disposition hearing scheduled for November 6, 2017, the agency prepared another report in which social worker Alexis Morgan provided additional details regarding the allegations against father based on her discussions with A.C. A.C. reported to Morgan that father, with whom she generally spent every other weekend, had insulted both her and mother and referred to mother as " 'stupid' " and " 'retarded.' " Father would also call A.C. names including "whore, dumb, and retarded." Once, for example, father called A.C. " 'whore' " when she spilled

milk on a carpet and used the wrong towel to clean it up and, another time, when she was slow to follow his instruction to hurry up. According to A.C., father would also threaten to spank or slap her and make remarks to her such as " 'if you don't respect me I'll hit your butt until it turns red.' " A.C. denied father's allegations that mother had manipulated or influenced her to make the most recent abuse disclosures. A.C. described father as " 'not a very nice person' " and said she " 'never felt like he liked or loved [her]' " or wanted to spend time with her.

Morgan and A.C. also discussed the incident in which father pinched her cheeks during a camping trip in April 2017. According to A.C., she was defending her stepmother against father's insults and knocked a sleeping bag cover against him, intending no actual harm. However, the cover knocked father's glasses off, angering him. Scared that father would hit her, A.C. crouched on the ground. Shortly thereafter, father grabbed and pinched both her cheeks, warning her to " 'never do that again!' " A.C. told Morgan that her relationship with father worsened after this incident and that she would dread every visit with him, feeling anxious the week leading up to a visit, and crying a lot during each visit.

Morgan and A.C. then discussed an incident in the spring of 2017, in which father asked to touch her " 'beautiful' " legs when she was wearing a dress for a piano recital, and a similar incident shortly thereafter on the last day of the school year, when he again asked to touch her legs and took a photograph of them. A.C. also reported that father had a tendency to watch her when she was dressing despite her protestations, and had removed the locks from her bedroom and bathroom doors.

A.C. told Morgan that, initially, mother sympathized with her about father's insults and mistreatments but nonetheless told her that visits with him were required by the family court order. It was not until she told mother that father had touched or attempted to touch her breasts three times that mother encouraged her to " 'do something about it' . . . ." A.C. was glad the agency had intervened in her case because she was afraid of father and relieved their visits had stopped. At the same time, because of her recent disclosures to the agency, A.C. stated that she was scared to be in his presence.

A.C. confirmed to Morgan that nobody had coached or pressured her to make these allegations.

Morgan also met with mother and father. Mother described father as controlling and aggressive. Mother was not surprised about A.C.'s allegations that father insulted her and called her names, as he had done the same to her during their relationship. Mother confirmed that A.C. had told her about the three incidents in which father had touched or attempted to touch A.C.'s breasts, and that A.C. was anxious and had difficulty breathing before her visits with father. A.C.'s fear and anxiety led mother to install cameras outside their residence and to drive A.C. to school every day rather than to have her walk.

Father, in turn, denied all of A.C.'s allegations to Morgan, including the sexual and physical abuse, name-calling and insults. Father acknowledged he may have told A.C. to " 'hurry up' " or cursed in her presence on occasion, and may have told her she looked pretty before her piano recital or last day of school. However, he denied violating A.C.'s privacy or making inappropriate sexual comments. Father also insisted that A.C.'s "allegations" occurred while he and his wife were in France and were made in an effort to prevent him from returning to the United States.[2]

Morgan also consulted with the agency's intake social worker, Cheree Clark, and Detective Matthew Peyton, who conducted the forensic interview of A.C., and both individuals confirmed their belief that A.C.'s statements regarding the allegations in the petition were consistent and credible.

Dr. Negrete, Ph.D., who provided about eight individual therapy sessions to A.C. via Skype in August and September 2017, told Morgan that A.C. presented as fearful of father and did not feel safe in his care given her recent disclosures. Dr. Negrete described A.C. as paranoid about father " 'showing up in the community and trying to take her.' " When Morgan asked Dr. Negrete about the possibility that A.C. was fabricating her

[2] Father's wife (A.C.'s stepmother) likewise told Morgan that A.C.'s allegations were false and insisted they had been " 'planted in her mind' " by mother.

allegations against father, Dr. Negrete responded, " '[N]o, definitely not," adding that, while A.C. appeared more comfortable in mother's presence, she did not believe mother was manipulating A.C.

Lastly, mother's therapist spoke to Morgan and denied observing any " 'red flags' " that would suggest mother was manipulating A.C. or had unaddressed mental health issue that would interfere with her ability to parent.

The report attached a treatment summary for A.C. prepared for Morgan by licensed clinical social worker Sonia Lucana, who provided five individual therapy sessions to A.C. The primary diagnosis given to A.C. was dysthymia, with symptoms that included sleep difficulties, low energy and self-esteem, lack of concentration, and irritability. It further noted: "It is evident that child's exposure to traumatic experiences seems to have impacted child's emotional well-being impairing her concentration and social functioning at this time."

Ultimately, the agency recommended in the report that the petition be sustained and A.C. declared a dependent and placed with mother. The agency also recommended that the restraining order against father be made permanent with the allowance that supervised visitation be authorized when A.C. is ready for it, and that family maintenance services be provided.

A combined jurisdiction/disposition hearing began January 29, 2018. In anticipation of this hearing, the agency filed an addendum report that summarized the contents of a forensic interview of A.C. conducted on August 4, 2017, by Detective Peyton of the Santa Clara Sheriff's Office. In this interview, A.C. provided information about each of the three alleged incidents of sexual abuse (twice touching her breasts and once attempting to do so) and about father's other inappropriate conduct. Among other things, A.C. reported that father liked to play " 'the Cyclops game,' " which involved him taking off all his clothes and throwing his dirty underwear at his family members. The addendum also noted that father had refused to take any responsibility for mistreating A.C., and continued to blame mother and A.C. for the situation triggering these proceedings. At the same time, the addendum noted the agency had uncovered no

evidence that A.C. had fabricated the allegations against father or had been manipulated by mother to do so.

At the hearing, numerous expert and lay witnesses testified. Morgan was called to testify first. Among other things, Morgan described the circumstances of each of the aforementioned prior referrals of this family to San Mateo or Santa Clara County social services.[3] (*Ante*, pp. 2–3.) Morgan also testified that she was aware of father's claims that A.C. had been coached by mother to make the allegations of abuse against him. When Morgan took the witness stand a second time later in the proceedings, she took the opportunity to confirm much of the information contained within the agency's reports in this case (*ante*, pp. 2–6), including the facts that A.C. reported three separate incidents involving father touching or attempting to touch her breasts, his removal of the locks from her bedroom and bathroom doors, and incidents of him watching her change clothes. Lastly, Morgan testified that it was the agency's position this case should be closed without offering father any parenting classes or reunification services.

Emergency response social worker Cheree Clark also testified, describing an incident of concern to her in which father had refused to return A.C.'s stuffed animals, which were at his house, despite A.C. telling him she wanted to have her animals because they comforted her.

Mother's and A.C.'s therapists followed. Notably, mother's therapist confirmed that she previously reported to Morgan that it was her opinion mother had not manipulated or influenced A.C. to disclose father's abuse. She also reconfirmed her opinion that mother had no unaddressed mental health issues. A.C.'s therapist, in turn, testified regarding several of A.C.'s symptoms of trauma, including low self-esteem, sleep difficulties, low appetite and nightmares. She noted, as well, that A.C. had been engaging and progressing in therapy.

[3] A stipulation was made at the hearing that mother was not the referent on any of the referrals mentioned by Morgan in her testimony.

In addition, two mental health experts, Drs. Leslie Packer and James Livingston, testified regarding the impact of A.C.'s family conflict on her emotional health. Specifically, Dr. Packer, a clinical psychologist hired by A.C.'s attorney, interviewed A.C., her therapist Lucana, mother and father. Dr. Packer identified parents' divorce as "high-conflict" with detrimental effect on A.C.'s well-being. Specifically, Dr. Packer believed A.C. suffered from parental alienation and estrangement and lacked conflict resolution skills as a result of her family situation. Dr. Packer found A.C. to be credible, noting her serious manner, her lack of embellishment when describing the events, and the consistency of her statements over time. Dr. Packer added that A.C. did quite well in school, although she felt like an outsider. Dr. Packer also noted the extreme differences in the parenting styles of mother (permissive) and father (authoritarian), a circumstance that made father appear very harsh in A.C.'s view.

Dr. Livingston, also a clinical psychologist, did not actually meet A.C. or her parents, but he formed an opinion regarding her parental alienation based on his review of the files in this matter. Specifically, Dr. Livingston opined A.C. had been adversely affected by the animosity in her parents' relationship. He also believed mother had coached A.C. in advance of A.C.'s forensic interview, as evidenced by her ability to refer quickly to precise pages in her diary to describe events allegedly occurring over a year earlier. Dr. Livingston also expressed some concern about A.C.'s credibility, noting that in her recorded interview, A.C. had broken her otherwise steady eye contact when asked about father's alleged abuse and appeared at times to be reciting information, as if she had rehearsed or memorized it. Dr. Livingston believed A.C. had an exaggerated fear that father wanted to have sexual intercourse with her, and that she and mother had overreacted to certain incidents, as evidenced by mother's need to document all of their interactions with father and her insistence that she and A.C. attend rape trauma counseling even though father had allegedly just touched A.C.'s breasts. At the same time, he was concerned about the allegation that father had called A.C. a "whore."

Ultimately, Dr. Livingston opined that A.C. felt alienated from father and had become increasingly negative toward him over time. He concluded that father's

parenting style had created some of the estrangement but that it was important in any event for A.C. to maintain "some kind of relationship with both parents, even in abuse situations." He recommended that an expert undertake a thorough assessment of the custody situation in this case.

When the matter was continued on February 9, 2018, the juvenile court heard from father, who vehemently denied the petition's allegations. He also reiterated his claims that mother had coached A.C. and influenced her against him.

The court then heard from A.C. beginning a few days later, on February 9, and again on March 5, in chambers in the presence of the attorneys, social workers and A.C.'s therapist. After confirming the details of the allegations in the petition, A.C. testified that father's actions made her uncomfortable and scared "because I feared that he would try to do it again to me, or do worse to me. And I guess I was uncomfortable because . . . most dad's [*sic*] don't touch their daughter's breasts . . . ." In addition, A.C. described feeling "very sad and lonely" when father called her names and, after the last incident, wanting "to run away and die." When asked whether she was willing to restart her weekend stays with father, A.C. replied: "I wouldn't really want to go because everything that's happened, and he just treats me really bad. And he's said a lot of hurtful things. So I just don't think I'm ready to go back." While she had "a few" positive memories of father, over time "he just became more aggressive . . . ." And when asked whether she worried father would touch her again, A.C. answered: "I'm worried that he would, definitely, I guess, hurt me, again. And he would punish me for telling the Court and kind of telling on him."

On April 23, 2018, at the conclusion of the contested jurisdictional/dispositional hearing, the juvenile court sustained the allegations in the petition under section 300, subdivisions (b)(1), counts1–2, and (c), counts 1–2. The juvenile court also made permanent the restraining order against father, and authorized "supervised visitation between father & [A.C.] but to begin with therapeutic visitation[.]" On the record, the trial court explained: "I will allow for supervised—the visitation between the child and father, if and when [A.C.] is ready, and the initial visitation must be therapeutically

supervised." The court then terminated jurisdiction over A.C. and granted physical and legal custody to mother. On April 26, 2018, father filed a timely notice of appeal.

DISCUSSION

Father raises the following three questions for our consideration:

(1) Does substantial evidence support the juvenile court's findings that A.C. comes within subdivisions (b) and (c) of section 300?

(2) Did the juvenile court improperly delegate its judicial authority to a minor, A.C., to decide whether and how much visitation with father is appropriate?

(3) Does this matter reflect a misuse of the dependency system in that the conflict is, in actuality, a private child custody matter that should have stayed in family court?

We address each question in turn below.

I. Substantial Evidence Supports the Court's Jurisdictional Order.

Father contends there was insufficient evidence to support the jurisdictional findings that minor came within the provisions of section 300, subdivisions (b) and (c). Section 300, subdivision (b)(1), authorizes a minor to be adjudged a dependent of the juvenile court where "[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child . . . ." (§ 300, subd. (b)(1).) Section 300, subdivision (c), in turn, applies where "[t]he child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent . . . ." (§ 300, subd. (c).)

"At a jurisdictional hearing, the juvenile court ' "shall first consider . . . whether the minor is a person described by Section 300, and for this purpose, any matter or information relevant and material to the circumstances or acts which are alleged to bring him or her within the jurisdiction of the juvenile court is admissible and may be received in evidence. However, proof by a preponderance of evidence, legally admissible in the trial of civil cases must be adduced to support a finding that the minor is a person described by Section 300." ' [Citation.]" (*In re Ricardo L.* (2003) 109 Cal.App.4th 552,

564–565.) On appeal, where, as here, a parent contends there is insufficient evidence to support a jurisdictional finding, "we review the evidence most favorably to the court's order—drawing every reasonable inference and resolving all conflicts in favor of the prevailing party—to determine if it is supported by substantial evidence. [Citation.] If it is, we affirm the order even if other evidence supports a contrary conclusion." (*In re N.M.* (2011) 197 Cal.App.4th 159, 168.) Further, at the hearing, "the child welfare agency must prove by a preponderance of the evidence that the child who is the subject of the petition comes under the court's jurisdiction. (§ 355; *Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 248 [19 Cal.Rptr.2d 698, 851 P.2d 1307]; [citation].) On appeal, the parent has the burden of showing there is insufficient evidence to support the order." (*Ibid.*)

And where, as here, a dependency petition alleges the existence of multiple statutory grounds for making the minor a juvenile dependent, the reviewing court may affirm the dependency court's finding of jurisdiction so long as any one of these grounds is supported by substantial evidence. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451.) Thus, where one statutory ground is supported by substantial evidence, the reviewing court need not consider any other alleged ground before affirming the court's jurisdictional order. (See *In re Ashley B.* (2011) 202 Cal.App.4th 968, 979.)

Here, there is no doubt the record, when viewed in a light favorable to the juvenile court's judgment, contains sufficient evidence to sustain the dependency petition under section 300, subdivisions (b) and (c). First, A.C. herself confirmed each of the allegations in the petition—including that father touched her breasts twice, grabbed and lifted her up by the face, and threatened to "slap [her] butt until blood shows up"—before testifying that father's actions made her uncomfortable and scared: "I feared that he would try to do it again to me, or do worse to me. And I guess I was uncomfortable because . . . most dad's [*sic*] don't touch their daughter's breasts . . . ."[4] She also

[4] Father's argument on appeal that "even if every single allegation of physical contact between [him] and A.C. were true, there is still no showing that such contact was done for the purposes of sexual gratification" hardly warrants attention. Touching or

described feeling "very sad and lonely" when father called her names (such as "whore") and, after one particular incident, wanting "to run away and die." A.C. made quite clear to the court that she did not, at that point, want to return to the former shared custody arrangement between her parents with alternate weekend visits to his home. Moreover, she "worried that he would . . . hurt [her], again" or "punish [her] for telling the Court [about his abusive acts]." It is well established the testimony of one competent witness constitutes substantial evidence. (*In re Alexis E.*, *supra*, 171 Cal.App.4th at p. 451.)

And while father consistently maintained that he is innocent and that minor is not credible and, in fact, had been coached or influenced by mother to disparage him, the juvenile court disagreed, as did multiple third parties who either testified in court (e.g., Morgan, Dr. Packer) or personally discussed the allegations with A.C. in connection with these proceedings (e.g., Clark, Dr. Negrete, and Detective Peyton). We decline to second-guess the juvenile court's credibility determinations on these issues. (See *People v. Hovarter* (2008) 44 Cal.4th 983, 996 [credibility determinations are " 'the exclusive province of the trial judge' "].)

Lastly, we reject father's argument that, even if he contributed to A.C.'s emotional harm by his participatory role in parents' "conflicted relationship," there was no evidence that she had suffered or was at risk of suffering "serious emotional harm from [his] actions." There was ample evidence to the contrary, including A.C.'s own descriptions of feeling "sad and lonely," as well as "scared," as a result of father's mistreatment and abuse to the point that she had mother install cameras around their property and personally drive her to school to ensure her safety. No more was required. (*In re Alexis E.*, *supra*, 171 Cal.App.4th at p. 451.)

Thus, given the substantial evidence supporting the court's finding that A.C. came within the description set forth in section 300, subdivisions (b) and (c), we affirm the

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attempting to touch a minor's breasts—three times—is abuse notwithstanding the perpetrator's intended purpose. (*People v. Whitman* (1995) 38 Cal.App.4th 1282, 1293 [" '[I]t is the nature of the act that renders the abuse "sexual" and not the motivations of the perpetrator' "].)

juvenile court's jurisdictional order. (See *In re Ashley B., supra,* 202 Cal.App.4th at p. 979.) Indeed, while testimony from a single competent witness like A.C. may constitute substantial evidence in support of the juvenile court's order (*In re Alexis E., supra,* 171 Cal.App.4th at p. 451), as noted above, in this case there is much more evidence corroborating her testimony that father had seriously physically and emotionally harmed her and could do so again, causing her a tremendous amount of fear and anxiety. (See § 300, subds. (b), (c).) On the other hand, while father continues to insist A.C. fabricated these allegations and was influenced or controlled by mother in doing so, there is no evidence to corroborate his theory aside from his own wife's and parents' statements and, to a limited extent, Dr. Livingston's opinion that A.C. had exaggerated her fear of father. The juvenile court thus had ample cause to reject father's defense and draw the following conclusions: "I don't believe that father didn't do any physical—that he never touched [A.C.'s] breast or grabbed them or pinched them, that he didn't slap her face, or that he didn't pinch her cheeks. . . . [¶] And I think his motivation for denying it is two part. One, he cannot accept any responsibility for behavior that is wrong or shameful. . . . And two, he has an interest in the outcome of this case." Simply put, on this record, there is no legal basis for reversing the juvenile court's jurisdictional findings or order.

II. Delegation of Authority over Visitation Issues.

On the record at the April 23, 2018 jurisdictional and dispositional hearing, the juvenile court, inter alia, ordered "visitation between the child and father, if and when [A.C.] is ready, and the initial visitation must be therapeutically supervised." The written order dated May 2, 2018, in turn, states: "Supervised visitation will begin when [A.C.], with the agreement of her therapist, feels ready and safe to have contact with her father. The father is encouraged to take part in individual therapy that will help him to develop empathy for [A.C.'s] feelings and learn how to better provide her with emotional support." According to father, this order is an improper delegation of the court's authority to a child. The legal framework is not in dispute.

"When a juvenile court terminates its jurisdiction over a dependent child, it is empowered to make 'exit orders' regarding custody and visitation. (§§ 364, subd. (c), 362.4; *In re Kenneth S., Jr.* (2008) 169 Cal.App.4th 1353, 1358 [87 Cal.Rptr.3d 715].) Such orders become part of any family court proceeding concerning the same child and will remain in effect until they are terminated or modified by the family court. [Citation.] [¶] The power to determine the right and extent of visitation by a noncustodial parent in a dependency case resides with the court and may not be delegated to nonjudicial officials or private parties. [Citation.] This rule of nondelegation applies to exit orders issued when dependency jurisdiction is terminated." (*In re T.H.* (2010) 190 Cal.App.4th 1119, 1122–1123.)

"A visitation order may delegate to a third party the responsibility for managing the details of visits, including their time, place and manner. [Citation.] That said, 'the ultimate supervision and control over this discretion must remain with the court . . . .' (*In re Julie M.* (1999) 69 Cal.App.4th 41, 51 [81 Cal.Rptr.2d 354].) Several appellate courts have overturned visitation orders that delegate discretion to determine whether visitation will occur, as opposed to simply the management of the details. (*In re Julie M.*, pp. 48–51 [delegation to child]; *In re Nicholas B.* (2001) 88 Cal.App.4th 1126, 1138 [106 Cal.Rptr.2d 465] [same]; *In re S.H.* (2003) 111 Cal.App.4th 310, 317–320 [3 Cal.Rptr.3d 465] (*S.H.*) [same]; [*In re*] *Donnovan J.* [(1997)] 58 Cal.App.4th [1474,] 1476–1478 [delegation to therapist].)" (*In re T.H.*, *supra*, 190 Cal.App.4th at p. 1123.)

We agree with father the juvenile court's visitation order, as stated, cannot stand because it leaves solely in A.C.'s hands the authority to decide whether to visit father. As several courts—and witnesses in this case—have observed, maintaining some sort of relationship between parent and child is healthy and beneficial for both individuals. Yet, based on A.C.'s traumatic experiences as both a victim of father's abuse and a child of parents' high-conflict divorce, she more than likely will not decide on her own to visit father, at least not in the near term. As was aptly noted in *In re Julie M.*, *supra*, when the court was confronted with similar facts: " 'As the time goes by, not seeing her, the fears are just going to increase, because [A.C. is] not going to have time around [him], and the

anxieties are going to increase. . . .' (See also *In re Brittany S.* (1993) 17 Cal.App.4th 1399, 1407 [22 Cal.Rptr.2d 50] ['By not providing visitation, SSA virtually assured the erosion (and termination) of any meaningful relationship between Sheri and Brittany.'].)" (*In re Julie M.*, *supra*, 69 Cal.App.4th at p. 50.)

Clearly, the juvenile court was appropriately focused here on A.C.'s best interests and "on the elimination of conditions which led to [its] finding that [she] has suffered, or is at risk of suffering, harm specified in section 300." (*In re Moriah T.* (1994) 23 Cal.App.4th 1367, 1376.) However, the appropriate course of action is for the juvenile court to maintain this focus while crafting a visitation order that leaves the ultimate decision to grant or deny visitation under its control while delegating to the agency the authority to manage the details of such visitation. In *In re Julie M.*, *supra*, for example, the reviewing court directed the juvenile court to refashion its visitation order, which had given a child the ultimate authority to decide whether to visit her mother, to instead provide the social services agency " 'broad "guidelines as to the prerequisites of visitation or any limitations or required circumstances." ' [Citation.] . . . [¶] In this regard, the court may appropriately rely upon an evaluation by treating therapists of the children's emotional condition and evolving needs. (*In re Chantal S.* (1996) 13 Cal.4th 196 [51 Cal.Rptr.2d 866, 913 P.2d 1075].)" (*In re Julie M.*, *supra*, 69 Cal.App.4th at p. 51.)

We conclude the visitation order in this case must likewise be refashioned to clarify that A.C. (or her therapist) does not have ultimate authority over visitation. (See *In re Kyle E.* (2010) 185 Cal.App.4th 1130, 1135–1136 [remand for clarification is appropriate where visitation order is confusing or where an oral pronouncement appears to conflict with written order].) The agency, with assistance from A.C.'s therapists, is in the best position to supervise visitation between father and A.C. in order to observe their conduct at any particular time to determine whether A.C.'s physical or emotional well-being is under threat. However, "the ultimate supervision and control over this discretion must remain with the court, not social workers and therapists, and certainly not with the children. [Citations.]" (*In re Julie M.*, *supra*, 69 Cal.App.4th at p. 51.) We therefore

reverse the visitation order contained within the April 23, 2018 jurisdictional/dispositional orders and remand this matter to the juvenile court for the limited purpose of reformulating the orders consistent with this opinion.

III. Propriety of the Juvenile Court Forum.

Lastly, we briefly address father's contention that this matter represents a misuse of the dependency system because "the juvenile court allowed itself to be manipulated into hearing a matter which should have remained in family law court, as no risk to the child, A.C., existed which required state intervention." In so contending, father accuses the juvenile court of failing in its duty " 'to be vigilant' " against the misuse of the dependency system.

We reject father's contentions, which are premised on his primary argument—already rejected—that there is no evidence in this case that he caused A.C. any harm as required under section 300. Father's authority, *In re John W.* (1996) 41 Cal.App.4th 961, does not further his position. As the opening sentence makes clear, the case is inapposite: "This is a bitter child custody case which became a juvenile dependency case on the strength of *unproved allegations* of [abuse]. After more than a year in the juvenile dependency system, during which there was no finding of abuse, the juvenile court terminated its jurisdiction over the small child, John W., but split physical custody between both parents, requiring John to be shuttled every two weeks between northern Los Angeles County and southern Orange County." (*Id.* at p. 964, italics added.) We, of course, have already pointed out that the juvenile court's findings of abuse under section 300, subdivisions (b) and (c), are supported by this record. (*Ante*, pp. 11–14.) Accordingly, there is no basis for questioning the propriety of this forum to adjudicate the petition, much less for accepting father's unsubstantiated assertion that the juvenile court "allowed itself to be manipulated into hearing [this] matter . . . ." Father's ultimate argument thus fails.

DISPOSITION

The jurisdictional/dispositional orders of April 23, 2018, are reversed, and the matter is remanded for the limited purpose of reformulating the visitation order contained therein in accordance with this opinion. In all other regards, the orders are affirmed.

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Wiseman, J.*

WE CONCUR:

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Siggins, P. J.

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Petrou, J.

A154176/*In re A.C.*

* Retired Associate Justice of the Court of Appeal, Fifth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.